

## REMARKS

This communication is a full and timely response to the non-final Office Action dated April 17, 2009. By this communication claims 9-22 are canceled without prejudice or disclaimer to the underlying subject matter, and claims 23-34 are added. Support for the amended subject matter can be found, for example, at page 5, lines 15-20 of Applicant's disclosure.

In numbered paragraph 3 on page 2 of the Office Action, claims 9-22 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability over Nomura (U.S. Patent No. 6,388,904) in view of Dodson, III (U.S. Patent No. 6,958,552). Because claims 9-22 are canceled without prejudice, this rejection is moot and its withdrawal is respectfully requested.

To prove *prima facie* obviousness, the Office has the burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added).

Newly added independent claim 23 recites the following:

A vehicle auxiliary electric-power-supplying system comprising:

an electric power inverter for converting first dc power received through an overhead wire to second dc power, and supplying the second type of dc power to a dc load;

an electric power supplier for converting the first dc power received through the overhead wire to third dc power;

a power-outputting unit, connected to both the electric power inverter and the electric power supplier, for outputting higher dc power of either the second dc power or the third dc power; and

a controller for receiving power from the power-outputting unit, and controlling the electric power inverter,

wherein the electric power inverter comprises a switch that controls current flowing through the overhead wire and controls the conversion of the first dc power to the second dc power based on the control signals output from the controller.

The combination of features recited in claim 23 is distinguishable over the prior art of record.

As discussed in a previous response, Nomura is directed to a power supply device that includes H-type inverter bridges 58 and 59 that are connected in serial to a first DC voltage. Rectifier circuits 68, 69 receive the output of the H-type inverter bridges 58, 59 via a pair of insulating transformers 31, 32. A smoothing circuit 7 receives the output from the rectifying circuit 68, 69 and generates a second DC voltage. Nomura discloses that the combination of the H-type inverter bridges 58, 59, the insulating transformers 31, 32, and the rectifying circuit 68, 69 control the high voltage state of the first DC voltage to obtain a constant DC voltage suited for a three-phase AC voltage 13 that is generated by three-phase inverter 9.

Dodson discloses a circuit 100 that includes two branches 102 and 104 having branch outputs connected commonly at node 132 to a common load 130. The output of branch 102 is fed to the common load 130 through a diode 118. The output of branch 104 is supplied to the common load 130 through a diode 128. This configuration results in both branch outputs being diode-ored at node 132 to regulate the voltage at the load 130.

Neither reference, however, when viewed alone or in combination, discloses or suggests an electric power inverter that includes a switch that controls current through an overhead wire and the conversion of the first dc power to the second dc power based on the control signals output from the controller, as recited in claim 23. Thus one of ordinary skill would understand that the combination *Nomura* and *Dodson* do not render Applicant's claims as obvious.

Each of new claims 24-34 depends either directly or indirectly from independent claim 23. Each of these claims is distinguishable over *Nomura* and *Dodson* by virtue of the aforementioned dependency and because of the additional features recited therein.

### **Conclusion**

Based on the foregoing remarks, Applicants respectfully request favorable consideration of claims 23-34 and allowance of this application. In the event any unresolved issues remain, the Office is invited to contact Applicant's representative identified below.

Respectfully submitted,

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